

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>TERRY LYNN SCHONEWITZ</b>	§ § § § §	<b>PLAINTIFF</b>  <b>Civil Action No. 1:11cv17-LG-RHW</b>  <b>DEFENDANTS</b>
<b>v.</b>		
<b>DONALD CABANA, et al.</b>		

**ORDER ADOPTING PROPOSED FINDINGS OF  
FACT AND RECOMMENDATIONS**

\_\_\_\_\_ **BEFORE THE COURT** is the Proposed Findings of Fact and Recommendations [26] entered by United States Magistrate Judge Robert H. Walker on September 15, 2011. Judge Walker recommends that the 42 U.S.C. §1983 civil rights complaint filed by Terry Lynn Schonewitz be dismissed without prejudice for failure to prosecute.

Schonewitz was advised that he must file any objections to Judge Walker's recommendations within fourteen days of being served with a copy of the Proposed Findings of Fact and Recommendations. The Court record reveals that the copy of the Proposed Findings of Fact and Recommendations that was sent to Schonewitz was returned to the Court as undeliverable on September 23, 2011. (Docket Entry [29]).

Where no party has objected to the Magistrate Judge's proposed findings of fact and recommendations, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Walker's Proposed Findings of Fact and Recommendations is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Proposed Findings of Fact and Recommendations entered by Judge Walker should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendations [26] entered by United States Magistrate Judge Robert H. Walker on September 15, 2011, be, and the same hereby is, **ADOPTED** as the finding of this Court. This lawsuit is hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED AND ADJUDGED** this the 30<sup>th</sup> day of September, 2011.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE